

LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND TWENTY-FOURTH
GENERAL ASSEMBLY

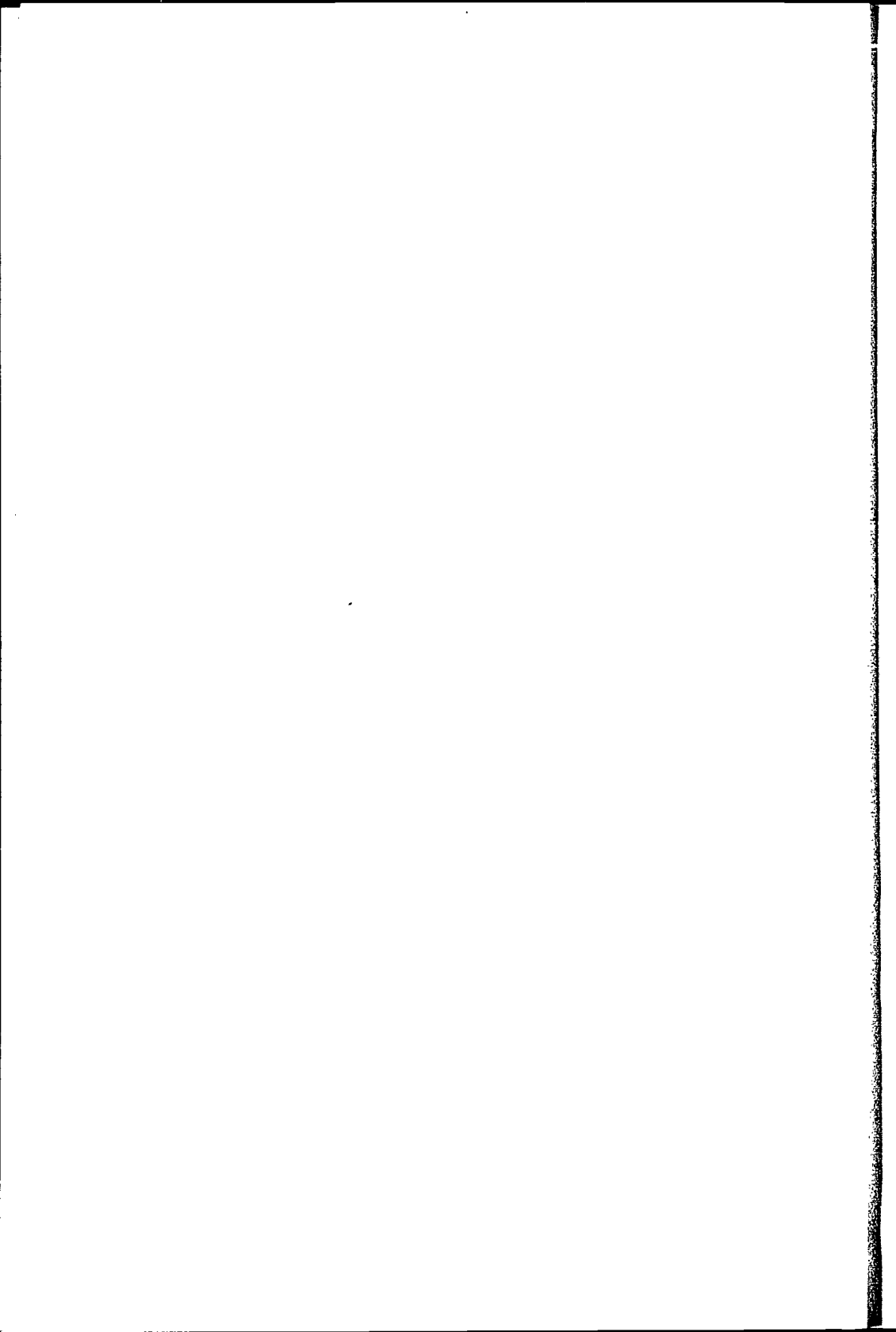
FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 3, A. D.
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SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, February 6, A. D.
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PART II
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CHAPTER 293

AN ACT ESTABLISHING AND CONCERNING A DEPARTMENT OF HOUSING, CONFERRING UPON IT CERTAIN DUTIES AND POWERS IN THE FIELD OF HOUSING, ALSO ESTABLISHING A STATE BUREAU OF HOUSING WITHIN THE DEPARTMENT OF HOUSING, CONFERRING UPON IT CERTAIN DUTIES IN THE FIELD OF HOUSING, ALSO ESTABLISHING A STATE HOUSING AUTHORITY WITHIN THE DEPARTMENT OF HOUSING, CONFERRING UPON IT CERTAIN DUTIES AND POWERS IN THE FIELD OF HOUSING, PROVIDING FOR STATE FINANCIAL ASSISTANCE IN THE FIELD OF HOUSING, ESTABLISHING A HOUSING DEVELOPMENT FUND AND MAKING A SUPPLEMENTARY APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Delaware:

Section 1. Chapter 41 of Title 31, Delaware Code, is hereby repealed in its entirety.

Section 2. The word "Board" wherever it appears in Chapter 43 and 45 of Title 31, Delaware Code, is hereby stricken and the word "Bureau" is substituted therefor.

Section 3. Sections 4314, 4315 and 4316 of Chapter 43, Title 31, Delaware Code, are hereby repealed in their entirety and in lieu thereof a new Section 4314 is hereby added to read as follows:

§ 4314. Supervision of projects by the department

Whenever any project of any agency including public or private organizations or corporations is financed in whole or in part by the State of Delaware pursuant to the provisions of Chapter 40, Title 31, Delaware Code, the Secretary may:

(1) Order any agency undertaking or operating a project to make, at its expense, such repairs and improvements as will

preserve or promote the health and safety of the occupants of buildings and structures owned or operated by such agency.

(2) Order all such agencies to do such acts as may be necessary to comply with the provisions of the law, the rules and regulations adopted by the Secretary or by the terms of any project approved by the Secretary, or to refrain from doing any acts in violation thereof.

(3) Examine all such agencies and keep informed as to their general condition, their capitalization and the manner in which their property is constructed, leased, operated or managed.

(4) By his duly authorized agents, enter in or upon and inspect the property, equipment, buildings, plants, offices, apparatus and devices of any such agency, examine all books, contracts, records, documents and papers of any such agency and by subpoena duces tecum issued by the Bureau, compel the production thereof.

(5) In his discretion prescribe uniform methods and forms of keeping accounts, records and books to be observed by such agencies and to prescribe or order accounts in which particular outlays and receipts shall be entered, charged or credited.

(6) Require every such agency to file with the Bureau an annual report setting forth such information as he may require verified by the oath of a duly authorized representative of the agency. Such report shall be in the form, cover the period and be filed at the time prescribed by the Secretary. The Secretary may further require answers to questions upon which he or the Bureau may desire information and may also require such agency to file periodic reports in the form covering the period at the time prescribed by the Secretary.

(7) From time to time make, amend and repeal rules and regulations for carrying into effect the provisions of this Chapter.

Section 4, Part III, Title 31, Delaware Code, entitled "Housing and Slum Clearance" is amended by adding thereto a new Chapter to read:

CHAPTER 40. DEPARTMENT OF HOUSING
SUBCHAPTER 1. DEFINITIONS; PURPOSE
AND CONSTRUCTION

§ 4001. Definitions

As used in this Chapter, unless a different meaning appears from the context—

“Area” shall mean the State of Delaware.

“Assistant Secretary” means the Assistant Secretary of Housing.

“Authority” means a public body corporate or politic, organized in accordance with the provisions of chapter 43 or 45 for a purpose, with the powers and subject to the restrictions set forth in those Chapters including a community exercising the powers and duties of a Slum Clearance and Redevelopment Authority; provided, however, that “Authority” shall not mean the Delaware State Housing Authority.

“Bonds” mean any bonds (including refunding bonds), notes, interim certificates, debentures, or other obligations issued by the Delaware State Housing Authority pursuant to this chapter.

“Bureau” means the State Bureau of Housing.

“Community” means any municipality or county in this State.

“Community facilities” includes lands, buildings and equipment for recreation or social assembly, for educational, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed and operated under this chapter.

“Conservation” means the preservation of any area or section of a community, and the supervision and care of such area or section, to prevent the reoccurrence or spread of slum conditions or conditions of blight.

“Department” means the Department of Housing.

“Governing Body” means the city council, town council, commissioners, or other legislative body charged with governing

the municipality or county council or levy court commissioners or other legislative body charged with governing the county.

“Government” includes the State and Federal Governments, and any subdivision, agency or instrumentality, corporate or otherwise, or either of them.

“Housing Authority” means any public body created by or pursuant to chapter 43.

“Issuing Officers” or “Issuing Officer” means the Secretary of Housing and the Assistant Secretary of Housing.

“Obligee” includes any bondholder, agents or trustees for any bondholders, or lessor demising to the property of the State Authority used in connection with a project, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the State Authority.

“Persons of low or moderate income” means persons or families who lack the amount of income which is necessary, as determined by the authority undertaking a project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

“Public body” means the State or any municipality, county, township, board, commission, authority, district, or any other subdivision or public body of this State.

“Real property” includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

“Secretary” means the Secretary of Housing.

“State Authority” means the Delaware State Housing Authority, created by Section 4050 of this Chapter.

“State Commissioner” means one of the members of the State Bureau of Housing.

“Workable program” means an official community plan of action for using local public and private resources to eliminate

and prevent slums and blight, and to guide the community's orderly growth and development.

§ 4002. Purpose; construction

(a) It shall be the purpose and intent of this Chapter to establish the means whereby the full resources of this State can be used and applied in a coordinated and integrated manner to solve or assist in the solution of problems arising from unsanitary or unsafe dwelling accommodations as well as slums, blighted and deteriorated areas throughout the State, which cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the State and impair economic values; to promote the clearance, planning, replanning and redevelopment of slums as well as other areas in which unsanitary or unsafe housing conditions exist; to promote the rehabilitation or conservation of blighted and deteriorated areas including areas in which such unsanitary or unsafe housing conditions exist; to prevent the further development of slums or blighted or deteriorated areas; to provide housing accommodations to satisfy the existing acute shortage of decent, safe and sanitary housing available either at low rentals, purchase or otherwise which persons and families of low and moderate income, elderly persons and veterans including those who will be returning home from Vietnam can afford; to provide a source where the housing and construction industry and local governments may obtain information on the nature and availability of Federal assistance for housing and community development programs and new trends which are evident from development in these fields; to assist the State Planning Office and other state, local and regional planning authorities in the preparation and implementation of comprehensive plans and programs for rural and urban housing and improvement of housing in this State; and to coordinate the housing and urban renewal and redevelopment activities of State Agencies, and other public agencies and private bodies with such responsibilities within the State.

(b) The department shall, in addition to the other powers and duties invested in it by this act, or by any other law, assist in the coordination of State and Federal activities relating to housing, slum clearance, urban and rural relocation, redevelopment and renewal activities of municipal, county, and regional

agencies and authorities; advise and inform the Governor on the affairs and problems relating to housing, slum clearance, urban and rural relocation, redevelopment and renewal and make recommendations to the Governor for proposed legislation pertaining thereto; encourage cooperative action by municipal and county governments, including joint service agreements and regional cooperation; study the entire field of housing, slum clearance, urban and rural relocation, redevelopment and renewal in the State; collect, collate, publish and disseminate information necessary to the effective operation of the department, including data and information required to advise the housing and construction industry and municipal, county and regional agencies or authorities of available State and Federal Services and programs for Housing and community development programs; to stimulate municipal, county, and regional activities in the fields of housing, slum clearance, urban and rural redevelopment and renewal through publicity, education and guidance; recommend, implement and enforce a Statewide housing code as may be necessary to develop workable programs for community improvements.

(c) Whenever the Department determines that a need for housing accommodations or services for low and moderate income persons or families, for elderly persons or veterans, exists in either urban or rural areas which is not being met, the Department shall undertake to supply such accommodations or services as soon as possible in such manner as the Department deems best through the activities of the State Housing Authority or through direct assistance pursuant to the provisions of Subchapter V of this Chapter.

(d) This part shall be construed according to the fair import of its terms and shall be liberally construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

SUBCHAPTER II. ORGANIZATION AND ADMINISTRATION

§ 4003. Establishment of a Department of Housing

There shall be a Department of Housing within the government of this State which shall consist of the Secretary of Housing, a Bureau of Housing, a State Housing Authority.

§ 4004. Secretary of the department

The administrator and head of the department shall be a Secretary of Housing, who shall be a person qualified by training and experience to perform the duties of his office. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve on a full time basis at the pleasure of the Governor and until the appointment and qualification of the Secretary's successor. The Governor shall set the salary of the Secretary of Housing, which shall not exceed \$25,000 per year.

§ 4005. Assistant secretary of the department

The Governor shall appoint, upon written recommendation of the Secretary of Housing and with the advice and consent of the Senate, an Assistant Secretary of Housing who shall be a person qualified by training and experience to perform the duties of his office. The Assistant Secretary of Housing shall be the Chairman of the Bureau of Housing and shall perform such other duties as the Secretary of Housing may direct. The Assistant Secretary of Housing shall serve on a full time basis and, in the absence of the Secretary of Housing, shall be the head of the Department. The Governor shall set the salary of the Assistant Secretary of Housing, which shall not exceed \$20,000 per year.

**SUBCHAPTER III. JURISDICTION;
POWERS AND DUTIES****§ 4006. The secretary may—**

1. Develop, revise and maintain a State comprehensive plan for the coordination, development and improvement of housing accommodations or services for low and moderate income persons or families or for elderly persons and for slum clearance, urban and rural redevelopment and renewal programs. This shall be done in cooperation with any municipal, county, regional planning, housing, renewal or rehabilitation agency or authority and in cooperation with the assistance and review of the State Planning Office;

2. Develop programs designed to promote the clearance, re-planning and redevelopment of slums as well as other areas in which unsanitary or unsafe housing conditions exist;
3. Develop programs to promote the rehabilitation or conservation of blighted and deteriorated areas including areas in which unsanitary and unsafe housing conditions exist;
4. Develop programs to prevent the further development of slums, or blighted or deteriorated areas;
5. Develop programs to provide housing accommodations or services either at low rentals or purchase or otherwise for persons and families of low income, elderly persons and for veterans;
6. Assist municipal, county and regional governmental bodies in the development and establishment of workable programs for community improvement for the purpose of qualifying for Federal assistance;
7. Coordinate the activities of the State Housing Authority with the activities of municipal, county and regional housing, renewal and rehabilitation agencies and authorities to furnish housing accommodations or services either at low rentals or purchase or otherwise for persons and families of low or moderate income, and for elderly persons as the public need may require after a public hearing on the need for such accommodations or services;
8. Assist in the coordination of State and Federal activities relating to housing, slum clearance, urban and rural relocation, redevelopment and renewal activities of municipal, county and regional agencies and authorities;
9. Promote and encourage cooperative action by municipal and county governments, including joint service agreements, regional compacts and other forms of regional cooperation in the fields of housing, slum clearance and rural and urban redevelopment and rehabilitation;
10. Inquire into the utilization of state resources in, and study the entire fields of housing, slum clearance, urban and rural redevelopment and renewal in the State and collect, collate, publish and disseminate information necessary to the effective operation of the department, including data and information required